

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

THOMAS CURTIN, *et al.*,)
Plaintiffs,)
v.) Case No.1:20-cv-00546 (RDA/IDD)
VIRGINIA STATE BOARD OF)
ELECTIONS, *et al.*,)
Defendant.)

Video or Telephone Conference Order for Hearing on Motion for Preliminary Injunction

In accordance with Case No. 2:20-mc-7, Gen. Orders 2020-12 and 2020-09, this Court finds that the parties have consented to the use of video conferencing to conduct the proceeding to be held on May 27, 2020. The Court finds that such matter is a “critical or emergency proceeding” that must be conducted on an expedited basis to avoid a manifest injustice in light of the following:

This matter comes before the Court on Plaintiffs’ Motion for Preliminary Injunction, Dkt. 3. The parties filed a notice that all consented to proceed with the hearing on the Motion for Preliminary Injunction by video conference. Dkt. 18. This hearing constitutes a “critical or emergency” proceeding as the resolution of the Motion for Preliminary Injunction may impact the June 23, 2020, primary.

Additionally, Congress recently passed, and the President signed, the CARES Act, H.R. 748, 116th Congress (2020). On March 29, 2020, the Judicial Conference of the United States found that emergency conditions exist that have materially affected the functioning of the federal courts generally. Accordingly, as contemplated by § 15002(b)(2) of the CARES Act, H.R. 748,

116th Congress (2020), the Court also finds that such proceeding cannot be further delayed without serious harm to the interests of justice for the same reason stated above. Further, considering the COVID-19 pandemic, the hearing on the above referenced matter cannot be conducted in person at this time without seriously jeopardizing public health and safety. To ensure the protection of Defendant's rights as well as the health and safety of all parties involved, video conferencing is the most suitable option at this time.

Accordingly, the proceeding(s) to be held on this date may be conducted by:

X Video Teleconferencing
 Teleconferencing, because video teleconferencing is not reasonably available for the following reason(s):

 The Defendant is detained at a facility lacking video teleconferencing capability.
 Other:

Accordingly, the proceeding in the above referenced case is set to occur on May 27, 2020, at 11:30 a.m. in courtroom 401. All parties are to appear by video conferencing. Plaintiffs, as the proponents of the Motion for Preliminary Injunction, will have 15 minutes to argue, and Defendants will have 15 minutes to respond. Plaintiffs may have 2-3 minutes for rebuttal argument. All individuals in the courtroom must remain six feet apart.

It is SO ORDERED.

Alexandria, Virginia
May 21, 2020

/s/ 
Rossie D. Alston, Jr.
United States District Judge